

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 4:20-cv-00957-SDJ
	§	
GOOGLE LLC,	§	
	§	
Defendant.	§	

**JOINT REPORT REGARDING DESIGNATED RECORD FOR REMAND**

Pursuant to the Court’s Order of November 7, 2023 (Dkt. 153), Defendant Google LLC and the State Plaintiffs<sup>1</sup> (collectively, the “Parties”) provide the following joint report regarding the records that the Parties agree should be transferred into the Court’s docket in this action from the Southern District of New York case files for Multidistrict Litigation (“MDL”) 3010 (Case No. 1:21-md-3010) and Case No. 1:21-cv-6841. To this end, the Parties propose a Joint Stipulation identifying a Designated Record on Remand, attached hereto as Exhibit A.

**I. Brief Background**

On December 16, 2020, State Plaintiffs<sup>2</sup> commenced this action against Google LLC in this Court. *See* Compl., Dkt. 1 (Dec. 16, 2020). On August 12, 2021, this action was transferred to the United States District Court for the Southern District of New York by the Judicial Panel on Multidistrict Litigation (“JPML”) for coordinated and consolidated pretrial proceedings in MDL

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<sup>1</sup> Plaintiffs State of Texas, State of Alaska, State of Arkansas, State of Florida, State of Idaho, State of Indiana, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nevada, State of North Dakota, Commonwealth of Puerto Rico, State of South Carolina, State of South Dakota, and State of Utah.

<sup>2</sup> The December 2020 Complaint was brought by the States of Texas, Arkansas, Idaho, Indiana, Mississippi, Missouri, North Dakota, South Dakota, Utah, and the Commonwealth of Kentucky.

3010 before the Honorable P. Kevin Castel. *See* Dkt. 140 (E.D. Tex.). On February 27, 2023, the State of Texas moved to remand this action, *see* MDL 3010, Dkt. 229 (J.P.M.L.), and the JPML remanded this action back to this Court on June 5, 2023, *see* MDL 3010, Dkt. 250 (J.P.M.L.). On October 4, 2023, the Second Circuit denied Google’s mandamus petition, and Judge Castel transferred this action back to this Court on October 27, 2023. *See In re Google Digital Advertising Litg.*, 1:21-md-3010, Dkt. 663 (S.D.N.Y.).

On November 7, 2023, this Court ordered that the Parties confer “concerning the records that should be transferred into this cause number from the SDNY case files for MDL 3010 and Cause No. 1:21-cv-6841” and file a joint report identifying a Designated Record on Remand. Dkt. 153.

## **II. Designated Record On Remand**

On November 14, 2023, the Parties met and conferred regarding the scope of the Designated Record on Remand. Accordingly, the Parties have stipulated to a Designated Record on Remand and provide the Court with their proposed stipulation at Exhibit A, which identifies (at Schedule A) select entries to be included from the S.D.N.Y. dockets for Case No. 1:21-md-3010 (MDL 3010) and Case No. 1:21-cv-6841.

The Parties stand ready to address any questions the Court may have.

Dated: November 21, 2023

/s/ R. Paul Yetter

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